

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ROMIE GRADY, JR.

PLAINTIFF

V.

5:19CV00145 JM

**LOUISE WELLS, Corporal,
Varner Supermax;
ERIC WILKINS, Corporal,
Varner Supermax**

DEFENDANTS

ORDER

The Court held a one-day bench trial on February 6, 2023. Plaintiff attended with his attorney Mr. Willard Proctor and Defendant Eric Wilkins appeared pro se. Defendant Louise Wells did not appear. The Court makes the following specific findings of fact.

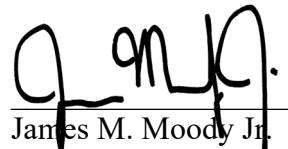
1. Plaintiff Romie Grady, Jr. was an inmate at the Varner Supermax facility of the Arkansas Division of Correction (“ADC”).
2. On October 1, 2018, Defendant Wilkins and Sergeant Smith, both ADC officers, were escorting Mr. Grady from the infirmary to his cell.
3. Mr. Grady was restrained by handcuffs with his arms behind his back and leg irons.
4. As he was escorted near Defendant Wells, Mr. Grady made a derogatory remark to Defendant Wells.
5. In response, Defendant Wells administered pepper spray to Mr. Grady’s face and body and, in the process, poked Mr. Grady in the eye with her fingernail.
6. Defendant Wilkins shouted at Defendant Wells that she could not spray Mr. Grady.
7. Defendant Wilkins tried to avoid the pepper spray.
8. Mr. Grady was taken to isolation and placed in the shower for decontamination.
9. Defendant Wells received a disciplinary for unnecessary force following the incident.

10. Mr. Grady was taken to the infirmary for the injury to his eye.
11. Mr. Grady was referred to an eye specialist at the University of Arkansas for Medical Sciences who diagnosed damage to Mr. Grady's retina and lens.
12. Surgery was performed to place an artificial lens in Mr. Grady's eye as a result of the incident.
13. Mr. Grady has lost 55% of his vision in the effected eye.
14. The damage to Mr. Grady's eye is permanent.
15. Mr. Grady also suffers from migraines since the incident.
16. Defendant Wilkins was not disciplined with regard to the incident.

The Court makes the following conclusions of law.

1. Defendant Wells used excessive force on Mr. Grady on October 1, 2018.
2. Defendant Wilkins performed his job in an appropriate manner as it related to Mr. Grady during the incident with Defendant Wells.
3. Defendant Wilkins is not liable to Mr. Grady for any damage resulting from the incident.
4. Defendant Wells is liable to Mr. Grady in the amount of \$150,000 for damages and \$350 in court fees resulting from her excessive force.

IT IS SO ORDERED this 22nd day of March, 2023.



James M. Moody Jr.
United States District Judge